

Appl. No. 09/530,803

REMARKS

Claims 1 and 10 have been amended to specify colored organic pigments that are not white or black. Support for the amendment can be found in the Specification on page 5, lines 1-3.

Claim 10 has also been amended to recite positive steps in the method.

Claims 8, 9 and 10 have been amended by deleting those pigments that are white, black and non-organic.

No new matter has been added.

Rejections Under 35 USC §112, second paragraph

The Examiner has rejected claims 10, 11 and 15 as indefinite for reciting a use without any active, positive steps delimiting how this use is actually practiced. He also notes that these claims are rejected under 35 USC § 101 because the claimed recitation of a use, without setting forth any steps involved in the process is indefinite.

Applicants have amended claim 10 to include the active, positive step of reacting a modified catalyst with propylene, thereby overcoming the rejection.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-5 and 7-15 as obvious over US Patent No. 4,551,501 to Shiga et al. in view of US Patent US Patent No. 4,670,491 to Stretanski et al. and/or US Patent No. 4,192,794 to Wang et al. The Examiner contends that Shiga et al. disclose a molded article made from a polymer composition comprising a blend of

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crystalline polypropylene and vinyl cycloalkanes. He contends that treatment of a $\text{Ti}/\text{Et}_3\text{Al}$ catalyst with vinyl cyclohexane results in the formation of poly(vinyl cyclohexane) containing the active catalyst. He further contends that in the subsequent step propylene is polymerized in the presence of the catalyst modified with a polymer containing vinyl units previously prepared. Lastly, he contends that the inventors contemplated the use of additives normally incorporated into polypropylene, such as pigments, however no specific amount of pigment is disclosed.

The Examiner points to the disclosures of Stretanski, which teaches polypropylene compositions containing 2.5 wt % titanium oxide, and Wang, which teaches polypropylene resin pigmented with 5 wt % titanium oxide. The Examiner concludes that one with ordinary skill in the art would have been motivated to use the same amount of coloring agent taught in these references when using the Shiga et al. invention in order to produce a colored polypropylene composition. Applicants respectfully traverse.

Applicants point out that the claims have been amended to indicate that an organic non-white or non-black pigment is used. Shiga et al. do not discuss organic non-black or non-white pigments. Stretanski et al. and Wang et al. are concerned with non-organic pigments. Neither Stretanski et al. or Wang et al. suggest that similar amounts of organic non-black or non-white pigments can be used.

In view of the above, Applicants respectfully request reconsideration and removal of the rejections.

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In view of the above remarks, all of the claims remaining in the case are submitted as defining non-obvious, patentable subject matter.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Susan Gorman (Reg. No. 47,604) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

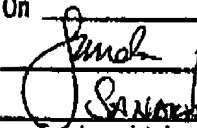
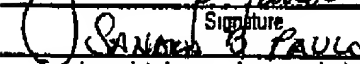
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  # 47,604
Leonard R. Svensson, #30,330
P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

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